UNITED STATES PATENT AND TRADEMARK OFFICE

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10/649,976	08/26/2003	Alain Guigui	50017848-2	6713

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 January 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13 and 15-18</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-13 and 15-18</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to Amendment filed January 3, 2008.

2.   Claims 1-13 and 15-18 are pending in this application. Claims 1, 13, and 16 are

independent claims.

Response to Arguments

3.   Applicant's arguments filed January 3, 2008 have been fully considered but they are not

persuasive.

The applicant argues in pages 9-14 similarly for all independent claims rejected under 35

U.S.C. 102(e) that the cited reference by Trivedi fails to disclose the newly added limitation,

particularly Trivedi does not disclose that the user profile data is extracted from network data

traffic comprising a signal protocol data stream as cited in the claimed invention.

The examiner respectfully submits that the newly added limitations is clearly addressed

or rejected in the rejection above for every independent claims. Further Trivedi does clearly

disclose two argued limitations as first the user profile data is extracted from network data traffic

and second the network data traffic comprising a signal protocol data stream. The step of

extracting user profile data from a network data traffic is clearly seen in Figures 11-13 and

paragraphs [0009-00011] wherein the extraction of profile data, as data related to profile, is

either seen in step of processing (e.g. component 1150 in Figure 11) or transformer (e.g.

component 1170 with transformer only in Figure 11). The limitation of "the network data traffic

comprising a signal protocol data stream" is clearly seen in paragraphs [0009, 0066, 0098, and

0102] wherein there is some signaling protocol in between processes and servers for receiving,

transforming, and storaging.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-13, and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by

Trivedi (U.S. 2002/0138563).

Re claim 1, Trivedi discloses in Figures 1-13 in a communications environment, a system

for managing user profile data (e.g. abstract and Figure 3), comprising: a) a network interface

layer operatively associated with a communications network (e.g. 320 in Figure 3), b) an

aggregation layer operative to extract from network data traffic user profile data and provide the

user profile data to a data storage layer (e.g. paragraphs [0009-0011] and Figures 11-13),

wherein the network data traffic comprises at least a signaling protocol data traffic stream (e.g.

paragraphs [0009, 0066, 0098, and 0102]); c) the data storage layer, operative to store user

profile data relating to the communications network (e.g. paragraph [0010]), and d) a data

conversion layer, functionally disposed between the network interface and the data storage layers

and which is capable of converting the user profile data into a plurality of communications

network formats (e.g. paragraphs [0008-0010]).

Re claim 2, Trivedi further discloses in Figures 1-13 the data conversion layer is capable

of making bi-directional contact with the network interface layer whereby a plurality of communications network data formats converted into a user profile data format compatible with the data storage layer (e.g. Figure 5, paragraphs [0010 and 0059-0060]).

Re claim 3, Trivedi further discloses in Figures 1-13 the user profile data is provided in a single format (e.g. Figures 1 and 5).

Re claim 4, Trivedi further discloses in Figures 1-13 the user profile data is provided in a tagged or tag-based format (e.g. paragraphs [0061-0062 and 0071-0074]).

Re claim 5, Trivedi further discloses in Figures 1-13 the user profile data is provided using an Internet mark-up language (e.g. paragraphs [0061-0062]).

Re claim 6, Trivedi further discloses in Figures 1-13 an aggregation layer is operative to convene user profile data relating to a plurality of different communications networks (e.g. paragraph [0008]).

Re claim 7, Trivedi further discloses in Figures 1-13 the aggregation layer has a push/pull relationship with the data conversion and data storage layers (e.g. paragraph [0008]).

Re claim 8, Trivedi further discloses in Figures 1-13 the aggregation layer comprises a data store selector operative to effect storage of user profile data in appropriate sectors of the data storage layer (e.g. as part of database).

Re claim 9, Trivedi further discloses in Figures 1-13 the data storage layer comprises a rules repository accessible by the aggregation layer, the rules contained within the repository influencing the operation of the aggregation layer (e.g. paragraphs [0085-0093]).

Re claim 10, Trivedi further discloses in Figures 1-13 a user access module operative to receive information from a user or subscriber and to effect or request a change, where

appropriate, in the user profile data contained within the data storage layer (e.g. paragraph [0010]).

Re claim 11, Trivedi further discloses in Figures 1-13 the user access module forms part of the network interface layer (e.g. Figures 2-3).

Re claim 12, Trivedi further discloses in Figures 1-13 the user access module is receptive to information transmitted using a web-based protocol (e.g. paragraphs [0010-0011]).

Re claim 13, Trivedi discloses in Figures 1-13 in a communications environment, a system for managing user profile data (e.g. abstract and Figure 3), comprising: a) a network interface layer operatively associated with a plurality of different communications networks (e.g. network interface 320 in Figure 3), b) an aggregation layer operative to extract from network data traffic user profile data and provide the user profile data to a data storage layer (e.g. paragraphs [0009-0011] and Figures 11-13), wherein the network data traffic comprises at least a signaling protocol data traffic stream (e.g. paragraphs [0009, 0066, 0098, and 0102]), c) a data storage layer, operative to store user profile data relating to the communications networks (e.g. paragraphs [0010 and 0061]), and d) a data conversion layer, functionally disposed between the network interface and data storage layers and which is capable of effecting a conversion between a plurality of communications network formats and a user profile format (e.g. paragraphs [0008-0010]), whereby a plurality of communications networks may have access to the data storage layer, thus enabling services to be provided using such networks that are tailored in accordance with the user profile data (e.g. paragraphs [0008-0011 and 0106]).

Re claim 15, Trivedi further discloses in Figures 1-13 the network interface layer is operatively associated with a plurality of communications networks (e.g. paragraph [0003]).

Re claim 16, Trivedi discloses a) a network interface layer operatively associated with a communications network (e.g. 320 in Figure 3) and comprising the user access module is receptive to information transmitted using a web-based protocol (e.g. paragraphs [0010-0011]) and operative to receive information from a user or subscriber and to effect or request a change, where appropriate, in the user profile data contained within the data storage layer (e.g. paragraph [0010]); b) a data storage layer, operative to store user profile data relating to the communications network (e.g. paragraph [0010]), and c) a data conversion layer, functionally disposed between the network interface and the data storage layers and which is capable of converting the user profile data into a plurality of communications network formats (e.g. paragraphs [0008-0010]); and the aggregation layer having a push/pull relationship with the data conversion and data storage layers (e.g. paragraph [0008]) and operative to convene user profile data relating to a plurality of different communications networks from network data traffic comprising at least a signaling protocol data traffic stream (e.g. paragraph [0008]), the aggregation layer comprises a data store selector operative to effect storage of user profile data in appropriate sectors of the data storage layer (e.g. as part of database), wherein the data conversion layer is capable of making bi-directional contact with the network interface layer whereby a plurality of communications network data formats may be converted into a user profile data format compatible with the data storage layer (e.g. Figure 5, paragraphs [0010 and 0059-0060]) and the data storage layer comprises a rules repository accessible by the aggregation layer, the rules contained within the repository influencing the operation of the aggregation layer (e.g. paragraphs [0085-0093]).

Re claim 17, it has same limitations cited in claim 15. Thus, claim 17 is also rejected

under the same rationale as cited in the rejection of rejected claim 15.

Re claim 18, it has same limitations cited in claim 15. Thus, claim 18 is also rejected

under the same rationale as cited in the rejection of rejected claim 15.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/
Primary Examiner, Art Unit 2143

February 11, 2008